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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,279	06/07/2001	Ritva Laijoki-Puska	1390-0124P	4240

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EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,279

Applicant(s)

LAIJOKI-PUSKA, RITVA

Examiner

Steve M Varner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11,13,14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 4,8,10 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim 3 is cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 9, 16, 18, 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. in view of Brown.

Regarding claim 1, 9, Stein et al. teaches mechanical and electrical equipment for buildings. (Title) The word "building" implies a spatial structure having wall and roof structures, which define one interior space, separated from the ambient air in a unitary interior space. Climate in each separate space or zone can be separately regulated by local systems. (Page 321, 322) Stein et al. does not teach winter temperatures in one separate space. Brown teaches winter temperatures in one separate space. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have winter temperatures in a separate space as in Brown in the structure of Stein et al. for the enjoyment of winter activities indoors.

Regarding claim 2, Stein et al. shows separate spaces with different functional groups. (Page 433)

Regarding claim 5, Stein et al. shows a separate space (physical education) (A) outside of the unitary space (rest of the building). (Page 433)

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Regarding claim 16, Stein et al. shows the basic claimed structure. Stein et al. does not show two main sections, one being a refrigerated field. Brown shows two main sections, outside the freezer and inside the freezer. The freezer contains a refrigerated field. It is well known in the art to put freezers in restaurants, which would be one of the main sections. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to put a freezer in the structure of Stein et al. to provide habitat for Nordic wildlife.

Regarding claim 18, 19, Stein et al. does not show a snow hotel or a ski slope. Brown shows a snow hotel and a ski slope. (Fig. 1) It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have a snow hotel and ski slope as in Brown in the structure of Stein et al. for the enjoyment of the patrons.

Claims 6, 7, 11, 13-14, 17, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al.

Regarding claim 6, Stein et al. shows the basic claimed structure. Stein et al. does not show natural plants and animals in apartments. It would have been an obvious design choice to have plants and animals in an apartment since it is designed for human occupancy.

Regarding claim 7, 11, 17, Stein et al. shows the basic claimed structure. Stein et al. does not show seasonal variation of temperatures in its separate spaces, each containing plants representing one of four seasons. It would have been an obvious design choice to regulate the temperature in the separate spaces of apartments to

mimic seasons to the preference of the occupant. The plants would grow according to the seasonal variation of temperatures.

Regarding claim 13, 14, Stein et al. shows the basic claimed structure. Stein et al. does not show functional groups of activities have in common a special climatological temperature in the respective separate space and can be observed from outside the separate space through a transparent wall. It is well known in the art that apartments have functional groups of activities sharing a common temperature, which can be observed outside the separate space through a transparent wall or window. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have shared temperature in functional groups with observation windows in the structure of Stein et al. This would provide for a desirable environment for the inhabitants in the functional groups of activities while enabling the inhabitants to look out of or into their environment.

Regarding claim 20, Stein et al. shows the basic claimed structure. Stein et al. does not show an indoor pool. Indoor pools are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use an indoor pool as is known in the structure of Stein et al. for public recreation.

Claim Objections

Claims 4, 8, 10, 15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowed Claims

Claim 12 is allowed.

Response to Arguments

Applicant's arguments filed 12/16/03 have been fully considered but they are not persuasive.

Applicant argues that the dependent claims are rejected over only one of the references while the independent claim is rejected over two references. Examiner maintains that it is clear that the dependent claims are also rejected by the second reference since the initial heading states that they are.

Applicant argues that the page 203 reference is in error. Examiner has changed this to page 433.

Applicant argues that there is no teaching of using Brown for winter activities. Examiner maintains that storing food in a cold place is a winter activity.

Applicant argues that apartments have even temperatures year round. Examiner cites personal knowledge that an apartment is cooler in the summer and hotter in the winter.

Applicant argues that Brown does not achieve winter conditions since there is little frost in the freezer. Examiner maintains that winter conditions may include low humidity and cold.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yates et al. shows a floor for a refrigeration system. Kline et al.

shows process and apparatus for individual adjustment of the temperature set points of a plurality of VAV devices through a network server.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-08390839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV

March 22, 2004

A handwritten signature in black ink, appearing to be 'SV' with a stylized flourish.A handwritten signature in black ink, appearing to be 'Carl D. Friedman'.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600